IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.870 OF 2005

ALONG WITH

CRIMINAL WRIT PETITION NO.920 OF 2005

ALONG WITH

CRIMINAL WRIT PETITION NO.921 OF 2005

Manilal Gangji Shah & Ors. ...Petitioners

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr.A.H.Maniyar for Petitioners.

Ms.G.P.Mulekar, A.P.P. for Respondents in WP 870/05.

Ms.Y.S.Shinde, A.P.P. for Respondents in WPs. 920/05 & 921/05.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 25, 2005.

P.C.

1. As learned A.P.P. Ms.Mulekar states on instructions of the Investigating Officer, who is personally present in Court that investigation is complete and charge-sheet is already filed in

respect of Criminal case No.23/PW/05 which was pending on the file of Metropolitan Magistrate, 34th Court, Vikhroli, Mumbai, the appropriate course, to my mind, is that the Petitioners may avail of remedy of discharge, if so advised. This is necessary, having regard to the controversy raised in the present proceedings that there is ample evidence collected by the investigating agency during investigation, which has been placed on record along with the charge-sheet.

2. As the entire record is before the Trial Court, in my opinion, instead of exercising inherent jurisdiction, the Petitioners should first approach the Trial Court for discharge. I am also informed that there are about six cases pending against the Petitioners. Hence, dismissed with liberty to the Petitioners to approach the Trial Court, which proceedings will be decided on its own merits in accordance with law, as expeditiously as possible, preferably within four months from the date of the institution of the said Application.

3. Petitions disposed of on the above terms.

A.M.KHANWILKAR, J.